

**FIFTH DAY**

(Wednesday, January 21, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Absent-excused: Andujar, Brooks, Parker, Truan.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Lord, our prayer this morning is simple: THANK GOD!!!

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
January 21, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 19**, In memory of former Speaker Price Daniel, Jr.

**H.C.R. 18**, In memory of former State Representative George Cook.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**LEAVES OF ABSENCE**

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Traeger.

Senator Parker was granted leave of absence for today on motion of Senator Mauzy due to his being in Liberty, Texas, with the family of Price Daniel, Jr.

#### **CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Doggett and by unanimous consent, Senators Vale, Glasgow and Mauzy will be shown as Co-authors of **S.B. 1**.

#### **CO-AUTHORS OF SENATE BILL 3**

On motion of Senator Doggett and by unanimous consent, Senators Vale and Mauzy will be shown as Co-authors of **S.B. 3**.

#### **CO-AUTHOR OF SENATE BILL 150**

On motion of Senator Traeger and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 150**.

#### **CO-AUTHORS OF SENATE BILL 151**

On motion of Senator Farabee and by unanimous consent, Senators Glasgow and Sarpalus will be shown as Co-authors of **S.B. 151**.

#### **CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 19**

On motion of Senator Caperton and by unanimous consent, Senator Doggett will be shown as Co-author of **S.C.R. 19**.

#### **SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 211** by Parker Jurisprudence  
Relating to the offense of criminal mischief, amending section 28.03, Penal Code, 1973, as amended; and declaring an emergency.

**S.B. 212** by Brown Finance  
Relating to an increase in benefits for certain annuitants of the Employees Retirement System of Texas. (Submitted by Governor as an emergency)

**S.B. 213** by Brooks Human Resources  
Relating to obtaining information for the administration of human resources programs.

**S.B. 214** by Brooks Human Resources  
Relating to adoption services of the Texas Department of Human Resources for hard-to-place children.

**S.B. 215** by Brooks Human Resources  
Relating to the qualifications of the commissioner of human resources.

**S.B. 216** by Farabee State Affairs  
Relating to payment of an annuity by the Texas County and District Retirement System after the death of a member.

**S.B. 217** by Traeger State Affairs  
Relating to eligibility of certain law enforcement and custodial officers for benefits from the state employees retirement system.

**S.B. 218** by Traeger Finance  
Relating to the property tax exemption for property of a nonprofit corporation held for development of a medical center.

**S.B. 219** by Wilson Intergovernmental Relations  
Relating to creation of the 267th Judicial District, composed of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria Counties, and reorganization of the 135th Judicial District.

**S.B. 220** by Ogg Human Resources  
Relating to the funding of services and shelter centers for victims of family violence and to the funding, establishment and operation of multipurpose service centers for displaced homemakers.

**S.B. 221** by Traeger Natural Resources  
Relating to the temporary diversion and use of water from an international stream by holders of water rights.

**S.B. 222** by Jones, Brooks Education  
Relating to school-community guidance centers.

**S.B. 223** by Jones Natural Resources  
Relating to the separate adjudication of certain water rights claims.

**S.B. 224** by Jones Jurisprudence  
Relating to the assessment of the expense of registered or certified mail in certain probate matters.

**S.C.R. 19** by Caperton, Doggett Natural Resources  
Directing the Department of Health to postpone licensing of radioactive waste management sites.

#### NOTICE OF EXECUTIVE SESSION

Senator McKnight gave notice that he would move for an Executive Session at the conclusion of Morning Call tomorrow.

#### SENATE RESOLUTION 138

Senator Glasgow offered the following resolution:

**S.R. 138**, Expressing appreciation to Dr. Jack L. Eidson of Weatherford for his participation today as Physician for the Day.

The resolution was read and was adopted.

#### PRESENTATION OF GUEST

Senator Glasgow was recognized by the President and introduced Dr. Eidson to the Members of the Senate.

**SENATE RESOLUTION 135**

Senator Sarpalius offered the following resolution:

WHEREAS, William Blackburn Royer, Jr., of Houston, Texas, along with 51 other Americans, has been held in captivity for 444 days in Iran by a group of its barbaric fanatics and on January 20, 1981, has finally been given his freedom; and

WHEREAS, These United States citizens at the time of their capture in Iran were serving their country in a nonmilitary, peaceful mission at the United States Embassy, with no real capability to defend themselves or to prevent their capture; and

WHEREAS, William Royer and his fellow Americans were subjected for 14 months to physical abuse by being bound, gagged, blindfolded, pushed and shoved often in the presence of mobs of maniacal, militant Iranians who taunted and flaunted their captives before the world; and

WHEREAS, These valiant United States citizens have suffered humiliations, indignities, uncertainty, frustration, and terror these past 14 months with courage, forbearance, and dignity unsurpassed in history that will serve as a model for their countrymen for generations to come; and

WHEREAS, The example of bravery William Royer and the other hostages have displayed during their captivity has been an inspiration to all Americans and has helped restore pride and confidence and determination in us as a nation, as well as dedication to a global policy that will preclude a recurrence of any such travesty of international justice against the United States as that perpetrated by Iran; now, therefore, be it

RESOLVED by the Senate of the 67th Legislature of the State of Texas, That William Royer, Jr., be invited to visit the Senate during this session of the Legislature to personally receive its welcome, heartfelt thanks, and recognition for valor; and, be it further

RESOLVED, That the Senate of Texas commend William Royer's family for their patience and courage through this long ordeal; and, be it further

RESOLVED, That the Senate of Texas extend its heartiest welcome home to William Royer, Jr., and honor him for his magnificent heroism during his captivity.

The resolution was read.

On motion of Senator Travis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sarpalius and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE RESOLUTION 136**

Senator Sarpalius offered the following resolution:

WHEREAS, Lt. Commander Robert Engelmann of Hurst, Texas, along with 51 other Americans, has been held in captivity for 444 days in Iran by a group of its barbaric fanatics and on January 20, 1981, has finally been given his freedom; and

WHEREAS, These United States citizens at the time of their capture in Iran were serving their country in a nonmilitary, peaceful mission at the United

States Embassy, with no real capability to defend themselves or to prevent their capture; and

WHEREAS, Lt. Commander Engelmann and his fellow Americans were subjected for 14 months to physical abuse by being bound, gagged, blindfolded, pushed and shoved often in the presence of mobs of maniacal, militant Iranians who taunted and flaunted their captives before the world; and

WHEREAS, These valiant United States citizens have suffered humiliations, indignities, uncertainty, frustration, and terror these past 14 months with courage, forbearance, and dignity unsurpassed in history that will serve as a model for their countrymen for generations to come; and

WHEREAS, The example of bravery Lt. Commander Engelmann and the other hostages have displayed during their captivity has been an inspiration to all Americans and has helped restore pride and confidence and determination in us as a nation, as well as dedication to a global policy that will preclude a recurrence of any such travesty of international justice against the United States as that perpetrated by Iran; now, therefore, be it

RESOLVED by the Senate of the 67th Legislature of the State of Texas, That Lt. Commander Robert Engelmann be invited to visit the Senate during this session of the Legislature to personally receive its welcome, heartfelt thanks, and recognition for valor; and, be it further

RESOLVED, That the Senate of Texas commend Lt. Commander Engelmann's family for their patience and courage through this long ordeal; and, be it further

RESOLVED, That the Senate of Texas extend its heartiest welcome home to Lt. Commander Engelmann and honor him for his magnificent heroism during his captivity.

The resolution was read.

On motion of Senator Travis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sarpalius and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 137

Senator Sarpalius offered the following resolution:

WHEREAS, United States Marine Sergeant John McKeel, Jr., of Balch Springs, along with 51 other Americans, has been held in captivity for 444 days in Iran by a group of its barbaric fanatics and on January 20, 1981, has finally been given his freedom; and

WHEREAS, These United States citizens at the time of their capture in Iran were serving their country in a nonmilitary, peaceful mission at the United States Embassy, with no real capability to defend themselves or to prevent their capture; and

WHEREAS, Sergeant McKeel and his fellow Americans were subjected for 14 months to physical abuse by being bound, gagged, blindfolded, pushed and shoved often in the presence of mobs of maniacal, militant Iranians who taunted and flaunted their captives before the world; and

WHEREAS, These valiant United States citizens have suffered humiliations, indignities, uncertainty, frustration, and terror these past 14 months with courage, forbearance, and dignity unsurpassed in history that will serve as a model for their countrymen for generations to come; and

WHEREAS, The example of bravery Sergeant McKeel and the other hostages have displayed during their captivity has been an inspiration to all Americans and has helped restore pride and confidence and determination in us as a nation, as well as dedication to a global policy that will preclude a recurrence of any such travesty of international justice against the United States as that perpetrated by Iran; now, therefore, be it

RESOLVED by the Senate of the 67th Legislature of the State of Texas, That Sergeant Johnny McKeel, Jr., be invited to visit the Senate during this session of the Legislature to personally receive its welcome, heartfelt thanks, and recognition for valor; and, be it further

RESOLVED, That the Senate of Texas commend Sergeant McKeel's family for their patience and courage through this long ordeal; and, be it further

RESOLVED, That the Senate of Texas extend its heartiest welcome home to Sergeant John McKeel, Jr., and honor him for his magnificent heroism during his captivity.

The resolution was read.

On motion of Senator Travis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sarpalius and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 134

Senator Traeger offered the following resolution:

Declaring January 21, 1981, University System of South Texas Day.

TRAEGER  
TRUAN

The resolution was read and was adopted.

#### WELCOME RESOLUTIONS

S.R. 139 - By Glasgow: Extending welcome to Ray Pruitt.

S.R. 140 - By Glasgow: Extending welcome to James Couch.

S.R. 141 - By Glasgow: Extending welcome to Jimmy Laurie.

S.R. 142 - By Glasgow: Extending welcome to Ken Norris.

S.R. 143 - By Glasgow: Extending welcome to James Perkin.

S.R. 144 - By Glasgow: Extending welcome to Floyd T. McCurdy.

S.R. 145 - By Glasgow: Extending welcome to George T. Beeson.

#### ADJOURNMENT

On motion of Senator Snelson the Senate at 10:46 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX**

Sent to Governor  
(January 20, 1981)

**S.C.R. 9**

**S.C.R. 10**

In Memory

of

Dr. D. Whitney Halladay

Senator Traeger offered the following resolution:

(Senate Resolution 94)

WHEREAS, The City of Corpus Christi and the University System of South Texas lost one of the state's foremost educators and well-loved citizens with the death of Dr. D. Whitney Halladay, Chancellor of the University System of South Texas on July 12, 1980, at the age of 59; he was distinguished among Texans for his many contributions to the academic profession and especially to the University System of South Texas; and

WHEREAS, Dr. Halladay was known and respected for his sound judgment and leadership qualities during his years as a football coach, teacher, and administrator; he served as president of Texas A&I University at Corpus Christi and acting chancellor of Texas A&I University System before becoming chancellor of the University System of South Texas in 1977; and

WHEREAS, A native of San Juan Capistrano, California, Dr. Halladay attended Pomona College and Claremont College in California, receiving his doctorate in education from Columbia University; and

WHEREAS, Dr. Halladay distinguished himself as an Infantry Officer in World War II and the Korean War meriting the Silver Star, the Bronze Star with two oak leaf clusters, the Commendation Medal, the Purple Heart with oak leaf cluster, and the Combat Infantryman's Badge before retiring as a colonel in the United States Army Reserve; and

WHEREAS, In addition to his tireless devotion to the University System of South Texas, Dr. Halladay was active in many community and educational organizations including the Corpus Christi and South Texas Chambers of Commerce and the American Association of State Colleges and Universities; and

WHEREAS, The entire State of Texas will deeply miss this well-loved gentleman and outstanding educator; now, therefore, be it

RESOLVED, That the Senate of the 67th Legislature of the State of Texas pay tribute to the remarkable life of service of Dr. D. Whitney Halladay, Chancellor of the University System of South Texas, and extend deepest sympathy to his beloved wife Cherie Longeway Halladay; his daughter Whitney Whitelaw of Magnolia, Arkansas; his son Steve Halladay of Austin; and his four grandchildren; and, be it further

RESOLVED, That copies of this Resolution be prepared for the members of Dr. D. Whitney Halladay's family, and that when the Senate adjourns this day, it do so in memory of Dr. D. Whitney Halladay.

TRUAN  
TRAEGER

The resolution was read.

On motion of Senator Jones and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.